

**STATE OF WISCONSIN
DEPARTMENT OF COMMERCE**

In the Matter of the PECFA Appeal of

Monty Strassburger
Sportsman Bar
W5778 Horseshoe Lake Ave
Medford WI 54451

PECFA Claim # 54451-9317-20
Hearing # 02-252

DECISION TO DISMISS

AN APPEAL HAVING been filed in the above captioned matter by Monty Strassburger on August 12, 2002,

A DELEGATION ORDER HAVING BEEN ISSUED on August 22, 2002 conferring the authority to issue a final decision for the department on the Administrative Law Judge, and

A HEARING SCHEDULED FOR MARCH 5, 2003 at 11:00 a.m. at 201 W. Washington Street, Madison, WI before Administrative Law Judge, Mari A. Samaras-White,

THE FOLLOWING WAS ENTERED on the record.

According to the Hearing Office's Expedited Pre-Hearing Order, notification of document/witness identification and exchange is to be made no later than 14 (fourteen) days prior to the scheduled hearing date. By fax on March 5, 2003 at 9:46 a.m. the Administrative Law Judge received said information which the Appellant Petitioner intended to introduce at the hearing. Said information was copied to the Department's attorney at the same time.

At the outset of the hearing, the department's attorney moved to dismiss the pending appeal based on the Appellant Petitioner's untimely delay in providing either notice of these documents to the Hearing Office and the department's attorney or notice of its inability to do so.

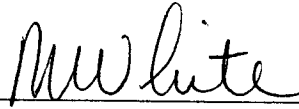
The Appellant Petitioner was first informed of its notice obligations by letter (with enclosures) dated December 20, 2002, when this appeal was first scheduled. The Appellant Petitioner was again informed of its notification obligations by letter dated February 3, 2003 (with enclosures) when this matter was rescheduled. The Appellant Petitioner never informed the Department of its inability to adhere to these requirements.

The notice requirements outlined in the Pre-Hearing Order are intended to provide consistency, fairness and predictability in the hearing process. Failure to follow these notice requirements is grounds for dismissal.

THE DEPARTMENT'S MOTION TO DISMISS IS GRANTED.

This is a final decision of the Department of Commerce. You may request a rehearing pursuant to §227.49, Stats., within 20 days of the date of this decision, by sending the reason for your request to Dennis Kozich, Chief Counsel, Department of Commerce, P.O. Box 7970, Madison, Wisconsin 53707-7970. This decision may be appealed within 30 days of the date of this decision or the date of a decision on a request for rehearing, if any, pursuant to §227.53, Stats. If appealed, the parties in interest are the Secretary, Department of Commerce, 201 West Washington, 6th Floor, PO Box 7970, Madison, WI 53707-7970 and the appellant named in the appeal caption above.

Dated and mailed: 3. 6, 2003



Administrative Law Judge
Department of Commerce

Copies to Interested Parties or Counsel:

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